UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WRS, INC. d/b/a WRS MOTION PICTURE LABORATORIES, a corporation,	)	
Plaintiff,	)	
vs.	)	C.A. No. 00-2041
	)	Judge William L. Standish
PLAZA ENTERTAINMENT, INC., a corporation, ERIC PARKINSON, an individual, CHARLES von BERNUTH, an individual and JOHN HERKLOTZ, an individual,	)	
Defendants	)	

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AS TO DAMAGES AGAINST DEFENDANT, JOHN HERKLOTZ

AND NOW comes Plaintiff, WRS, Inc. d/b/a WRS Motion Picture Laboratories, by and through its counsel, Thomas E. Reilly, P.C., and files the within Motion and avers as follows:

1. On July 21, 2006 the Court granted Plaintiff's Motion for Summary Judgment as to the liability of Defendant, John Herklotz, determining that Defendant John Herklotz, was liable to Plaintiff.

2. With respect to the issue of damages, the Plaintiff and John Herklotz entered into a Stipulation on March 22, 2006, the purpose of which was to have the business records of WRS evaluated by a forensic accountant to determine whether those records accurately reflected the transactions conducted by WRS with Plaza.

3. Although the Stipulation provided that neither party was bound by the forensic accountant's report, either party was entitled to use the report in its case.

4. The forensic accountant, Schneider Downes, through Thomas G. Claassen and John Briggs, have prepared a report that concludes that the business records of WRS are reasonably accurate and reasonable reflect the transactions between WRS and Plaza and accurately reflect the amount owed by Plaza to WRS and consequently owed by Herklotz, its guarantor. A copy of the Report is attached to Plaintiff's concise Statement.

5. At this stage of the proceeding, Herklotz has not pleaded or otherwise presented any evidence that would create a genuine issue of material fact that the amount shown on the business records of WRS is not, in fact, the amount owed.

6. Plaintiff has filed an Affidavit of its principal, Jack Napor, stating the current amount owed to WRS on the Plaza account as reflected on the business records of WRS.

7. Plaintiff has also filed an Affidavit of Thomas E. Reilly, Esquire, president of Thomas E. Reilly, P.C., showing what the attorney's fees incurred by WRS are for the maintenance of the within action to enforce the obligations of Plaza, Herklotz and its guarantors. The total in the Affidavit of Thomas E. Reilly is the sum of $86,748.00 and differs from the amount referred to in the Napor Affidavit because the Thomas E. Reilly Affidavit was revised following the making of the Napor affidavit to remove from the calculations court costs and expenses that were initially included in the total reviewed by Jack Napor in advance of his affidavit. The sum of $86,748.00 is incorporated into the calculations this Motion.

8. The total amount shown on the records kept in the ordinary course of business of Plaza and the attorney's fees incurred by WRS through this litigation to this point is the sum of $2,527,029.03.

9. That the total amount owed exclusive of interest includes is the sum of $1,205,827.84

10. WRS is entitled to interest at the rate of 1.5% per month.

WHEREFORE, WRS, Inc., d/b/a WRS Motion Picture Laboratories, respectfully requests that the Court grant its Motion for Summary Judgment and enter Judgment for the damages in its favor and against John Herklotz, in the sum of $2,527,029.03.
with interest to accrue at the of 1.5 percent per month on the sum of $1,205,827.84 from October 13, 2006 and additional attorneys fees to be added for proceedings to enforce the judgment.

Respectfully submitted,

THOMAS E. REILLY, P.C.

BY: _____/s/ Thomas E. Reilly______
Thomas E. Reilly, Esquire
Firm I.D. #511
2025 Greentree Road
Pittsburgh, PA 15220
(412) 341-1600

CERTIFICATE OF SERVICE

I, Thomas E. Reilly, Esquire, hereby certify that a true and correct copy of the Planitiff's Motion for Summary Judgment as to Damages against Defendant, John Herklotz, was delivered via first-class mail, postage pre-paid on the _13th_ day of October, 2006 to the following:

Eric Parkinson, individually and
As President of Plaza Entertainment, Inc.
4929 Wilshire Boulevard
Suite 830
Los Angeles, CA 90010

John W. Gibson, Esquire
Greenfield Court
1035 Fifth Avenue
Pittsburgh, PA 15219

John P. Sieminski, Esquire
Burns, White & Hickton
Four Northshore Center
106 Isabella Street
Pittsburgh, PA 15212

THOMAS E. REILLY, P.C.

BY: ______/s/ Thomas E. Reilly__
Thomas E. Reilly, Esquire
Attorney for Plaintiff, WRS, Inc.